

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM DAVID HICKS, JR.,

Plaintiff,

v.

Case No. 3:21-CV-12735

HEIDI WASHINGTON,
TCF WARDEN CHEEKS, et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the court on a pleading filed by Michigan prisoner William David Hicks, Jr. who is currently confined at the Thumb Correctional Facility in Lapeer, Michigan. The documents include a “Writ of Mandamus/Habeas Relief” which is captioned for the “State of Michigan in the County of Kent 17th Judicial Circuit,” an “Emergency Application for Order to Show Cause for Preliminary Injunction and Restraining Order” which is captioned for the “State of Michigan in the Lapeer County Circuit Court,” and several exhibits which include grievances, letters, and state court pleadings and orders. In his pleadings, Hicks raises issues concerning the conditions of his confinement (particularly as to the ongoing Covid-19 pandemic), actions by state officials, and the validity of his state criminal proceedings. Hicks did not submit any filing fees or an application to proceed as an indigent prisoner with his pleadings. The Clerk’s Office filed the pleadings and provisionally docketed the case as a habeas action.

Having reviewed the matter, the court finds that this case should be dismissed

without prejudice and without the imposition of any fees. Hicks' pleadings are unclear as to whether he seeks to pursue a mandamus action, a civil rights action, or a habeas action in federal court. There are different pleading requirements, standards of review, and fee requirements for each type of action and multiple actions cannot generally be filed in one case due to those differences. Moreover, as discussed, Hicks did not submit any filing fees for this case nor did he submit an appropriate application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a); 1915. The filing fee for a civil action such as a mandamus or civil rights action is \$350.00 with a \$52.00 administrative fee. See 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees, § 14, foll. 28 U.S.C. § 1914(a). The filing fee for a habeas action is \$5.00. See 28 U.S.C. § 1914(a); Rule 3, Rules Governing § 2254 Cases. Because Hicks's documents do not provide any certainty as to what type of action he is attempting to pursue, the court will dismiss the case without prejudice to his ability to file a mandamus action, a separate civil rights action challenging his conditions of confinement, and/or a separate habeas action challenging his state criminal convictions if he has not already done so. Accordingly,

IT IS ORDERED that this case is DISMISSED WITHOUT PREJUDICE. No fees shall be assessed in this matter. This case is closed and no further pleadings should be filed in this case. Any pending motion is DENIED WITHOUT PREJUDICE. The court does not retain jurisdiction over this matter.

s/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 18, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 18, 2022, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(810) 292-6522

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